

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

HARRY HIGHTOWER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:01CV1687 RWS
	)	
LARRY ROWLEY,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before me on Harry Hightower's pro se petition for writ of habeas corpus under 28 U.S.C. § 2254 [#4]. Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Audrey G. Fleissig, who filed her Report and Recommendation on February 22, 2005 [#21]. It is Judge Fleissig's recommendation that the petition be denied and that no certificate of appealability be issued.

On August 12, 2004, Hightower filed his objections to the Report and Recommendations [#37]. Under 28 U.S.C. § 636(b)(1)(C), I am required to review de novo those portions of the Report and Recommendation to which Hightower objects. I have conducted a de novo review of all matters relevant to the petition. Based on that review, I will adopt and sustain Judge Fleissig's Report and Recommendations and will deny Hightower's petition.

After careful consideration of the Report and Recommendation,

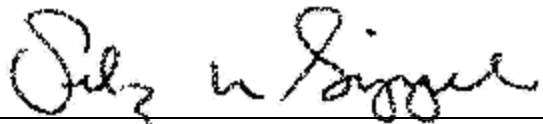
**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [#21] is **SUSTAINED, ADOPTED AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that Hightower's petition for habeas corpus under 28 U.S.C. § 2254 [#4] is **DENIED**.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 18th Day of August, 2005.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE